IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.608 OF 2004

Shri.Shankar SSK Ltd.Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.3, Solapur .. Respondent

WITH
INCOME TAX APPEAL NO.609 OF 2004

Shri.Shankar SSK Ltd.Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.1, Kolhapur .. Respondent

WITH
INCOME TAX APPEAL NO.610 OF 2004

Sahakar Maharshi Shankarrao
Mohite Patil SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.1, Kolhapur .. Respondent

WITH
INCOME TAX APPEAL NO.625 OF 2004

Shri.Siddeshwar SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.3, Solapur .. Respondent

WITH
INCOME TAX APPEAL NO.629 OF 2004

Shri.Shankar SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.3, Solapur .. Respondent

WITH
INCOME TAX APPEAL NO.630 OF 2004

Shri.Shankar SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.1, Kolhapur .. Respondent

WITH
INCOME TAX APPEAL NO.631 OF 2004

Shri.Siddeshwar SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.3, Solapur .. Respondent

INCOME TAX APPEAL NO.632 OF 2004

Shri.Siddeshwar SSK Ltd., Solapur .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.3, Solapur .. Respondent

WITH

INCOME TAX APPEAL NO.688 OF 2004

NIPHAD SSK Ltd., Nashik .. Appellant
V/s
Dy.Commissioner of Income-tax,
Spl.Rg.1, Nashik .. Respondent

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Mr.S.N.Inamdar with Mr.P.Vaidya for the Appellants in all Appeals.

Mr.R.V.Desai (Sr.Counsel) with Ms.S.V.Bharucha & Mr.Pankaj Kapoor for the Respondents in all Appeals.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 18.01.2005.

P.C.:

1. Heard the learned Counsel for the parties. By these Appeals the Appellants have sought to raise the substantial question of law as to whether non-refundable & refundable deposits can be treated as income of the assessee. On this issue, recently the Supreme Court in the case of **Siddheshwar Sahakari Sakhar Karkhana Ltd.V/s Commissioner of Income Tax and Others - 270 ITR 1,** has clearly held that **"non-refundable and refundable deposits cannot be treated as income of the assessee-societies"**. In view thereof, all Appeals are allowed, however, with no order as to costs.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)